

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION FILED IN	)	CASE NO.
SUPPORT OF ITS SPECIAL SERVICE	)	91-049
ARRANGEMENT CONTRACT WITH AMERICAN	)	
NATIONAL BANK FOR AN ESSX FEATURE	)	

O R D E R

This matter arising upon petition of South Central Bell Telephone Company ("South Central Bell") filed January 15, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost information filed in support of South Central Bell's proposed contract with American National Bank on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding, South Central Bell requests approval of a proposed contract with American National Bank for the provision of Automatic Route Selection-Deluxe. This feature is associated with American National Bank's Digital ESSX Service and will allow the bank to route outgoing calls to predetermined facilities. The information sought to be protected is contained in Attachment 2 to the contract and consists of the cost support data developed in connection with a Special Service Arrangement Contract with American National Bank for the ESSX feature. South Central Bell

contends that disclosure of the information sought to be protected is likely to cause competitive injury.

The information sought to be protected is not known outside of South Central Bell, and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

The information sought to be protected provides the specific dollar amounts of the ESSX feature and the cost backup for the monthly rates and non-recurring charges. While the petition states that competitors could use the information to unfairly compete with South Central Bell, the petition does not identify who the competitors are, what services they offer, and how the information could be used by them to gain an advantage over South Central Bell. Therefore, no competitive harm has been established, and the petition should be held in abeyance for a period of 10 days in order to allow South Central Bell to

supplement its petition with its statement establishing competitive injury.

This Commission being otherwise sufficiently advised,

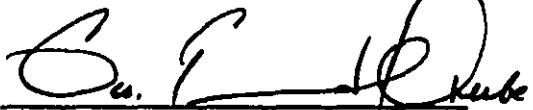
IT IS ORDERED that:

1. The petition by South Central Bell for confidential protection of the cost support data contained in Attachment 2 to the contract shall be held in abeyance to allow South Central Bell to supplement its petition with a statement identifying competitors who would benefit from the information, describing the competing services they offer, and stating how they could use the information to South Central Bell's detriment.


2. If no such statement is filed within 10 days of the date of this Order, the petition for confidentiality shall, without further Orders herein, be denied.

Done at Frankfort, Kentucky, this 13th day of February, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director